IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application	)		
No. 10/017,270	)	**For:**	**VOICE RECOGNITION**
	)		**SYSTEM METHOD AND**
Bi et al.	)		**APPARATUS**
	)		
	) Group No.		2655
Examiner: Abebe, Daniel Demelash	)		
	)		
Filed: December 14, 2001	)		

APPELLANT'S APPEAL BRIEF UNDER 37 CFR § 41.37

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

In accordance with the Notice of Appeal to the Board of Patent Appeals an Interferences filed <u>January 20, 2005,</u> in the above-identified U.S. Patent application, Appellants hereby present the Appellant's Appeal Brief under 37 CFR § 41.37. The APPELLANTS' APPEAL BRIEF is submitted with copies of each reference discussed, a copy of the Final Office Action and a copy of the Advisory Action as well as the appropriate fees required under 37 CFR §41.20(b)(2).

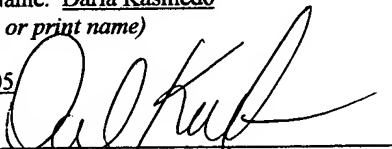**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☒ deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Depositor's Name: <u>Darla Kasmedo</u>
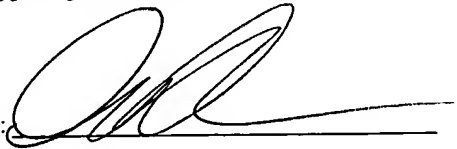*(type or print name)*

Date: <u>1/20/05</u>

Signature: _____

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office.

Depositor's Name:
(type or print name)

Date:

Signature: _____

01/27/2005 CNGUYEN 00000092 10017270

01 FC:1401   500.00 DA
02 FC:1402   500.00 DA

Attorney Docket No.: 010121
Customer No.: 23696

1

REAL PARTY IN INTEREST

Qualcomm, Incorporated, of San Diego, California is the real party in interest as the assignee of the above-identified application.

RELATED APPEALS AND INTERFERENCES

No other appeals or interferences are known which will be affected by this appeal.

STATUS OF CLAIMS

The application under appeal includes pending claims 21-43. In the Advisory Action, the Examiner has indicated that claims 21-43 stand finally rejected. Claims 21-43 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hariharan (WO 01/95312 A1) in view of Zinser et al. (6,678,654).

STATUS OF AMENDMENTS

The last amendments to the claims submitted in a Response After Final Rejection dated November November 9, 2004 have been entered. No amendments are being submitted with this Appeal.

SUMMARY OF CLAIMED SUBJECT MATTER

In accordance with 37 CFR § 41.37(v), Appellants provide a brief summary of each independent claim involved in the appeal, where each summary refers to the specification by page and line number and to the drawings by reference number. Appellants note that this "Summary of claimed subject matter" is provided only to assist the Board in identifying some portions of the specification related to the particular claims. In the interest of brevity, each claim summary does not necessarily include all references to all relevant portions of the specification and drawings. Accordingly, omission of any reference to the specification or to the drawings should not be construed in any way as an intent to relinquish claim scope, or as an implication or statement regarding the conformance with 35 U.S.C. §112. Appellants respectfully submit that the claims

should not be construed as being limited to the embodiments described or referenced in any claim summary, and further submit that other embodiments, as well as the Doctrine of Equivalents, may apply in determining claim scope.

Claim 21

The subject matter of claim 21 is directed to a method where a front end voice processor (101) is configured to one of a plurality of configurations where each of the configurations governs the processing of voice features in accordance with a back end voice processor (102) design. In a typical implementation, the front end voice processor (101) examines the short-term spectral properties of the input voice data and extracts certain front end voice features that are possibly recognizable by the back end section (102). (Application, Paragraph 0004, lines 10-13). Each back end voice processor (102) recognizes speech based on the expected voice features extracted and provided by the front end voice processor (101). (Application, Paragraph 0015). Accordingly, the front end voice processor (101) configuration is selected to match the particular voice processor (102) design. (Application, Paragraph 0015). The front end voice processor (101), therefore, can be configured to process the voice features in accordance with several different back end voice processor (102) designs. (Application, Paragraph 0015).

Claim 30

The subject matter of claim 30 is directed to a digital signal processor (DSP) (400) for operating within a voice recognition system and programmed to perform the functions of a front end voice processor (101) where the DSP (400) comprises a plurality of programmable blocks (402, 403, 405, 409, 412, 414, 415, 417) that can be adjusted to allow the DSP (400) to be configured to one of a plurality of configurations. (Application, Paragraphs 0015 and 0021). Each of the configurations governs a processing of voice features in accordance with at least one back end voice processor (102) design for recognizing speech based on the voice features. (Application, Paragraphs 0015 and 0021).

Claim 35

The subject matter of claim 35 is directed to a voice recognition system comprising a front end voice processor (101) and current back end voice processor (102) where the front end voice processor (101) comprises a plurality of blocks (402, 403, 405, 409, 412, 414, 415, 417) that can

be adjusted to configure the front end voice processor (101) to one of a plurality of configurations. (Application, Paragraphs 0015 and 0021). Each of the configurations governs a processing of voice features in accordance with at least one back end voice processor (102) design for recognizing speech based on the voice features. (Application, Paragraphs 0015 and 0021). The current back end voice processor (102) recognizes words from the processed voice features received from the front end voice processor (101) where the processed voice features are processed in accordance with a configuration file corresponding to the current back end voice processor (102). (Application, Paragraphs 0015, 0020 and 0024).

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Appellants wish the Board of Patent Appeals and Interferences to review the following grounds of rejection on appeal:

1)   Grounds of rejection in rejecting claims 21-43 under 35 U.S.C. §103(a) as being unpatentable over Hariharan (WO 01/95312 A1) in view of Zinser et al. (6,678,654).

ARGUMENT

Appellants respectfully submit that claims 21-43 are allowable over the art cited by the Examiner. Each of the issues presented for review are addressed below.

Rejection under 35 U.S.C. §103(a) – Hariharan in view of Zinser
Claims 21-43

Claims 21-43 stand rejected under 35 U.S.C. §103(a). Appellants respectfully submit that this rejection is improper and that the claims are allowable.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Appellant respectfully submits that neither Hariharan, nor Zinser, nor a combination of the two, teaches or suggests every element of any of the claims rejected under 35 U.S.C. §103(a).

Referring to claim 21 as a representative claim of claims 21-43, claim 21 recites configuring a front end voice processor to one of a plurality of configurations, "each

configuration governing a processing of voice features in accordance with at least one back end voice processor design for recognizing speech based on the voice features". Appellants respectfully submit that neither Hariharan, nor Zinser, nor a combination of the two, teach or suggest this limitation.

Zinser discusses a transcoder that transcodes data compressed with a first compression standard to a bit stream representing the data in accordance with a second compression standard. The transcoders in Zinser are not speech recognition processors. Nowhere in Zinser is a suggestion or a teaching that a front end processor be configured to process voice features in accordance with a backend voice processor design for recognizing speech based on the voice features. In the Final Office Action dated September 28, 2004, the Examiner cited to column 32, lines 50-65 for support that Zinser teaches to configure a plurality of voice parameters. Careful review of this section in Zinser reveals that Zinser does discuss voice parameters for speech recognition and teaches a method of converting TDVC parameters to CDVAD parameters. Zinser deals with vocoders and not with speech recognition processors. Voice signals are processed for compression, for example, and not to determine words represented by the voice signal as in a voice recognition system. Accordingly, appellants respectfully submit that Zinser does not teach or suggest configuring a front end voice processor to one of a plurality of configurations, "each configuration governing a processing of voice features in accordance with at least one back end voice processor design for recognizing speech based on the voice features."

Hariharan describes a voice recognition system where the **amount** of speech features extracted by a front end device can be adjusted based on conditions that affect speech processing. Any adjustments in Hariharan are due to changes in the conditions and do not depend on the type of back end design that is receiving the extracted voice features. The amount of extracted features are changed based on prevailing conditions such as channel traffic conditions at the server side and environmental noise conditions. (Hariharan, page 10, lines 2-5). Nowhere within Hariharan is a teaching or suggestion that a front end voice processor is configured to one of plurality of configurations where each of the configurations govern a processing of voice features in accordance with a back end voice processor design for recognizing speech based on the voice features. Appellants respectfully submit that Hariharan does not teach or suggest configuring a front end voice processor to one of a plurality of configurations, "each configuration governing a

processing of voice features in accordance with at least one back end voice processor design for recognizing speech based on the voice features."

Accordingly, appellants respectfully submit that neither Hariharan, nor Zinser, nor a combination of the two, teach or suggest every element of any one of claims 21-43 and that these claims are allowable.

Conclusion

Claims 21- 43 are now pending in the application. Appellants respectfully submit that the pending claims are allowable and that the case is in a condition for allowance.

Respectfully submitted,

Dated: 1/20/05

By: _____
George C. Pappas, Reg. No. 35,065

/BY
KENYON JENCKES
REG. NO. 41,873

QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, California 92121
Telephone: (858) 658-5787
Facsimile: (858) 658-2502

APPENDIX

21. A method comprising:

configuring a front end voice processor to one of a plurality of configurations, each configuration governing a processing of voice features in accordance with at least one back end voice processor design for recognizing speech based on the voice features.

22. A method in accordance with claim 21, wherein the configuring comprises configuring the front end voice processor in accordance with a configuration file.

23. A method in accordance with claim 22, further comprising:

receiving the configuration file through a communication link.

24. A method in accordance with claim 23, wherein the communication link is a wireless communication link.

25. A method in accordance with claim 22, further comprising:

determining a current back end design of a back end voice processor in communication with the front end voice processor; and

generating the configuration file corresponding to the current back end design.

26. A method in accordance with claim 22, wherein the configuring comprises:

adjusting at least one adjustable parameter of at least one block of a plurality of blocks comprising the front end voice processor.

27.   A method in accordance with claim 26, wherein the at least one block is selected from the group consisting of:

a DC blocking filter block, a noise suppression block, a FIR filtering on waveform block, a pre-emphasis block, a band energy computation block, a critical band partition block, a critical band weighting block, a FIR filtering of spectrum block, an IIR filtering of log spectrum block, a DCT/PCT/ICT/LDA block, and a combining block.

28.   A method in accordance with claim 21, wherein the configuring comprises programming a digital signal processor (DSP) to perform functions of the front end voice processor.

29.   A method in accordance with claim 21, further comprising:

processing voice features of a voice sample in accordance with a first configuration corresponding to a first back end voice processor design; and

processing voice features of another voice sample in accordance with a second configuration corresponding to a second back end voice processor design, the configuring comprising changing from the first configuration to the second configuration.

30.   A digital signal processor (DSP) for operating within a voice recognition system and programmed to perform functions of a front end voice processor, the digital signal processor comprising:

a plurality of programmable blocks for performing the functions of the front end voice processor, each of the plurality of programmable blocks having at least one adjustable parameter providing a mechanism for configuring the front end voice processor to one of a plurality of configurations, each configuration governing a processing of voice features in accordance with at least one back end voice processor design for recognizing speech based on the voice features.

31.   A digital signal processor in accordance with claim 30, wherein the configuring comprises configuring the front end voice processor in accordance with a configuration file.

32.   A digital signal processor in accordance with claim 31, wherein the configuration file is received through a communication link.

33.   A digital signal processor in accordance with claim 32, wherein the communication link is a wireless communication link.

34.   A digital signal processor in accordance with claim 30, wherein at least one block of the plurality of programmable blocks is selected from the group consisting of:

a DC blocking filter block, a noise suppression block, a FIR filtering on waveform block, a pre-emphasis block, a band energy computation block, a critical band partition block, a critical band weighting block, a FIR filtering of spectrum block, an IIR filtering of log spectrum block, a DCT/PCT/ICT/LDA block, and a combining block.

35.   A voice recognition system comprising:

a front end voice processor comprising a plurality of programmable blocks for performing voice processing functions, each of the plurality of programmable blocks having at least one adjustable parameter providing a mechanism for configuring the front end voice processor to one of a plurality of configurations, each configuration governing a processing of voice features in accordance with at least one back end voice processor design for recognizing speech based on the voice features; and

a current back end voice processor for recognizing words from processed voice features received from the front end voice processor, the processed voice features processed in accordance with a configuration file corresponding to the current back end voice processor.

36.   A voice recognition system in accordance with claim 35, wherein the configuration file is received through a communication link between the front end voice processor and the current back end voice processor.

37.   A voice recognition system in accordance with claim 36, wherein the communication link is a wireless communication link.

38.   A voice recognition system in accordance with claim 37, wherein at least one block of the plurality of programmable blocks is selected from the group consisting of:

a DC blocking filter block, a noise suppression block, a FIR filtering on waveform block, a pre-emphasis block, a band energy computation block, a critical band partition block, a critical band weighting block, a FIR filtering of spectrum block, an IIR filtering of log spectrum block, a DCT/PCT/ICT/LDA block, and a combining block.
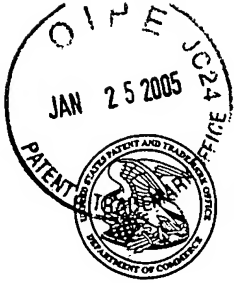
39.   A method performed in a voice recognition system, the method comprising:

determining a design of a current back end voice processor in communication with a front end voice processor configurable to processes voice features in accordance with a plurality of configurations, each configuration governing a processing of voice features in accordance with at least one back end voice processor design for recognizing speech based on the voice features; and

configuring the front end voice processor in accordance with a configuration file corresponding to a design of the current back end voice processor.

40.   A method in accordance with claim 39, wherein the determining the design of the current back end voice processor comprises receiving the configuration file through a communication link between the current back end processor and the front end processor.

41.   A method in accordance with claim 40, wherein the communication link is a wireless communication link.

42.   A method in accordance with claim 39, wherein the configuring comprises:

adjusting at least one adjustable parameter of at least one block of a plurality of blocks comprising the front end voice processor.

43.   A method in accordance with claim 42, wherein at least one block of the plurality of programmable blocks is selected from the group consisting of:

a DC blocking filter block, a noise suppression block, a FIR filtering on waveform block, a pre-emphasis block, a band energy computation block, a critical band partition block, a critical band weighting block, a FIR filtering of spectrum block, an IIR filtering of log spectrum block, a DCT/PCT/ICT/LDA block, and a combining block.

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,270	12/14/2001	Ning Bi	PA020121	6049

			EXAMINER
23696	7590	09/28/2004	ABEBE, DANIEL DEMELASH

Qualcomm Incorporated
Patents Department
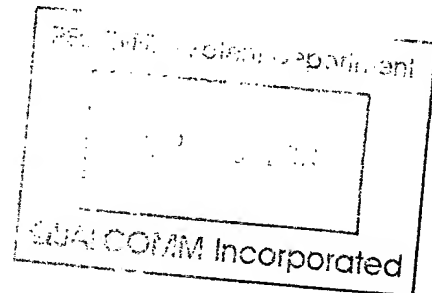5775 Morehouse Drive
San Diego, CA 92121-1714

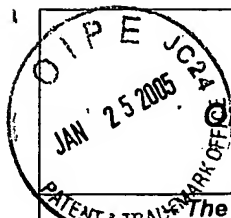| ART UNIT	PAPER NUMBER
2655	

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/017,270	BI ET AL.
	Examiner	Art Unit
	Daniel D Abebe	2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *21-43* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *21-43* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.
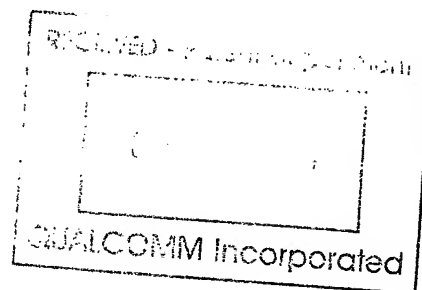
Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 21-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Ramalingam W0 01/95312 and further in view of Zinser et al. (6,678,654).

As to claim 21, Ramalingam teaches a method of processing voice in a voice

recognition system, comprising the steps of:

Configuring a front-end voice processor (20) to process voice features and

transmit them to the back -end according to a back-end processor (40). Ramlingam

doesn't explicitly teach where the configuring includes based on the back-end voice

processor design. However, Zinser teaches a method for configuring a first voice

processor, according to the type and design of the second voice processor of the

receiving side (Col.28, line 60-Col.29, line 5). Therefore, one skilled in the art would

appreciate the advantage of modifying the configuring in Ramlingam art, especially in

view of Zinser, for the purpose of ensuring compatibility between the two processors.

As to claims 22-24, Ramlingam teaches configuration file, control message 36,

transmitted through wireless communication link.

As to claim 25-28, Zinser teaches where the configuring includes

adjusting/converting a plurality voice parameters (Col.32, lines 50-65) and a DSP.

As to claim 29, Zinser teaches where voice features at the sender are processed according to a first and a second receiver voice processors (Col.28, lines 60-67).

Claims 30-43 are analogous to claims 21-29 and are rejected for being anticipated by Ramalingam and in view of Zinser.

Response to Arguments

Applicant's arguments are not persuasive as the new art (Zinser et al.) teaches configuring a speech processor according to the design of a "back-end" receiver speech processor in a speech processing/encoding system.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Daniel D Abebe whose telephone number is 703-308-

5543. The examiner can normally be reached on monday-friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Doris To can be reached on 703-305-4827. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Abebe Primary Examiner A.U. 2655

9/20/2004

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,678,654	01-2004	Zinser et al.	704/221
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,270	12/14/2001	Ning Bi	PA020121	6049

			EXAMINER
23696	7590	12/14/2004	ABEBE, DANIEL DEMELASH

Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego, CA 92121-1714

ART UNIT	PAPER NUMBER
2655	

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED - Patent Department

DEC 2 0 20.

QUALCOMM Incorporated
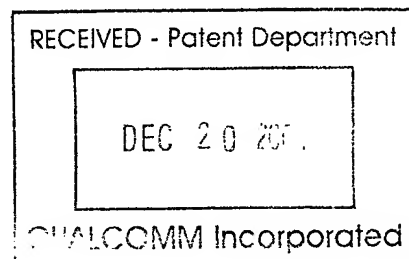
	Application No.	Applicant(s)
Advisory Action	10/017,270	BI ET AL.
	Examiner	Art Unit	
	Daniel D Abebe	2655	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 November 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

<u>PERIOD FOR REPLY</u> [check either a) or b)]

a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
   NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

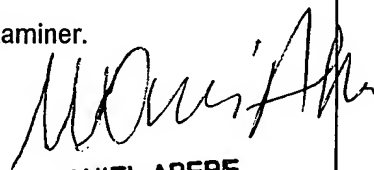   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: <u>21-43</u>.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____.

DANIEL ABEBE
PRIMARY EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because: of the same reason set-forth in the final office action, i.e. zinser fills the limitation regarding configuring a front end pr. according to the backend pr..